

ENTERED

December 12, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TERESA ANN FULKS,

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Plaintiff,

VS.

CIVIL ACTION NO. 4:21-CV-00459

ANDREW SAUL,

§
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Defendant.

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

Pending before the Court is the Report and Recommendation ("R & R") of United States Magistrate Judge Dena Hanovice Palermo. (Doc. No. 17). This case was referred to Judge Palermo pursuant to 28 U.S.C. § 636(b)(1)(B) on June 23, 2022. (Doc. No. 12.) The time for filing objections has passed, and no objections were filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error. Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Defendant's Motion to Reverse and Remand (Doc. No. 16) is hereby **GRANTED**. The Commissioner's determination should be **REVERSED**. The case should be **REMANDED**. Plaintiff's Motion for Summary Judgment (Doc. No. 15) should be **DENIED** as moot. Plaintiff's complaint (Doc. No. 1) should be **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

SIGNED in Houston, Texas, on this the 9th day December, 2022.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE